



PATENT
ATTORNEY DOCKET NO. IMARX1380-5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Unger and McCreery Art Unit: 1636
Application No.: 10/644,080 Examiner: Daniel M. Sullivan
Filed: August 20, 2003 Conf. No. 4717
Title: METHODS FOR DELIVERING COMPOUNDS INTO A CELL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

The undersigned attorney of record for Petitioner, IMARX THERAPEUTICS, INC., a corporation with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, represents that Petitioner is the Owner of 100 percent interest in Application No. 10/644,080, filed August 20, 2003, entitled METHODS FOR DELIVERING COMPOUNDS INTO A CELL, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on December 21, 2000, at Reel 011396, Frame 0421.

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Date of Deposit: February 8, 2006

I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Karen LePari

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER)

Karen LePari

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,638,767, entitled, METHODS FOR DELIVERING COMPOUNDS INTO A CELL, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 011396, Frame 0421.

The undersigned, attorney of record further represents that IMARX THERAPEUTICS, INC., a corporation, with its place of business at 1635 East 18th Street, Tucson, Arizona 85719, is the Owner of 100 percent interest in U.S. Patent No. 6,743,779, entitled, METHODS FOR DELIVERING COMPOUNDS INTO A CELL, as evidenced by the Assignment recorded in the United States Patent and Trademark Office on at Reel 008712, Frame 0725.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Owners as set forth above.

Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, IMARX THERAPEUTICS, INC., disclaims the terminal part of any patent granted on the above-identified Application No. 10/644,080 that would extend beyond the expiration date of U.S. Patent Nos. 6,638,767, granted on October 28, 2003 and 6,743,779, granted on June 1, 2004. Petitioner hereby agrees that any patent so granted on the above-identified application No. 10/336,906 shall be enforceable only for and during such period that said patent and patent granted on U.S. Patent Nos. 6,638,767; 6,743,779, are commonly owned, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantees, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a

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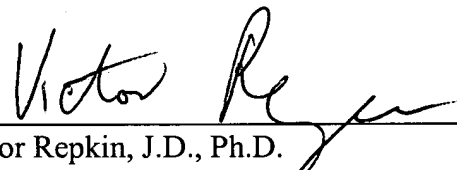
maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Enclosed is Check No. 580810 in the amount of \$65.00 to cover the terminal disclaimer fee. No other fees are deemed necessary. However, the Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Date: December 27, 2005



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